City of Lafayette
Public Meeting Agenda
City Council Meeting
City Council and Redevelopment Agency Special Joint Meeting
Design Review Commission, Planning Commission and Senior Housing Task Force

MINUTES

Lafayette Community Center -- Sequoia Room **February 25, 2008**
500 St. Mary's Road, Lafayette, California **6:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 6:00 p.m.

2. ROLL CALL

Present: City Council: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Senior Services Commission: Susan Hahn, Ruth McCahan and Mary Miller

Design Review Board: Bob Cleaver

Planning Commission: Mark Mitchell, Jeanne Ateljevich, Dick Holt, Patricia Curtin-Tinley and Tom Chastain

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Mala Subramanian, City Attorney; Ann Merideth, Community Development Director; Niroop Srivatsa, Planning & Building Services Manager; Joanne Robbins, City Clerk

3. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

4. PUBLIC COMMENTS – None

5. OLD BUSINESS

1. **Niroop Srivatsa, Planning and Building Services Manager**
   Review conceptual plans for an affordable, independent living senior housing development proposed by Eden Housing on a 0.78 acre parcel of land located at 3426 Mt. Diablo Blvd., APN 233-040-038. This is an information-only item intended to provide initial feedback; no action will be taken.
   Recommendation: Provide preliminary direction to Eden Housing.

Planning and Building Services Manager Srivatsa gave a brief overview of the discussion to be held and said members of the Senior Housing Task Force comprised of Councilmembers

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Federighi and Anduri; Planning Commissioners Tom Chastain and Will Lovitt, and Senior Services Commissioners Susan Hahn, Mary Fuchs and Mary Miller.

DIANA ELROD, Elrod and Associates, said the City Council and the Senior Housing Task Force met last in November to discuss the Conti site. Eden ultimately found the site was no longer available for purchase. Eden Housing has been looking at a variety of sites and the goal was to find a site at least one acre in size and did not require a General Plan Amendment. After extensive review, it became obvious there were no sites available in the downtown for this project. She said the Lemos site was pursued, is approximately .8 acres in size and Eden Housing representatives will be discussing it. She said what was needed this evening was input and feedback regarding massing, site development, parking and density.

The State Density Bonus law requires that if a developer proposes a development that has an affordable or senior housing element to it that the City grant a density bonus of up to 35% of whatever the base zoning is. For this project, 35% is not enough to make the project work. Staff has provided information about how a density increase can be granted according to State law which would allow affordable and/or senior housing to receive a density bonus to achieve a higher number of dwelling units per acre. She noted that Eden has an aggressive timeline to meet to make funding decisions both at the County and State levels.

The project anticipates a parking ratio of between. 67 spaces per units to .70 spaces depending on the site survey which has not yet been completed. The attachment to the staff report discusses Eden's specific experience with their senior housing projects and parking demand and feedback was needed on this matter. She referred to the summary of issues on page 4 of the staff report and said three options will be discussed.

The Senior Housing Task Force talked about issues and is very supportive of any project that would not require a General Plan Amendment due to timing issues. Staff reiterates that one reason why density is significantly higher than even what the State bonus allows is because affordable senior units are typically significantly smaller than what would otherwise be in place in a multi-family residence. Other points include fewer vehicular trips for senior housing developments.

WOODY KRAP, Eden Housing, said they are under contract with the Lemos Family Trust for the .8 acre parcel on Mt. Diablo Boulevard adjacent to the Conti property, are in the due diligence period and assessing the site to make a determination as to whether or not it is feasible to move forward and have met their obligation of depositing $50,000 which the City has provided. After the due diligence period expires 90 days from the date they executed the contract, the money is committed and they need to make a determination as to whether or not the project is feasible before that deadline or they will lose those funds. They also made a funding application to the Contra Costa County Community Development Department for HOME and CDBG funds for a cumulative total of $3 million. In their application, they have outlined their vision for the property as a 48-unit project. It would still be feasible if it dropped to 45 units, but this is their threshold because after that point the project does not generate enough operating funds to be able to be self-maintained.

He said the County's Finance Committee meets on March 20th and he will need to commit to them that this project is feasible. Most critical is for staff to write an appropriate report to the Finance Committee recommending the funding be awarded. Based on a meeting he had with the County two weeks ago, they feel very enthusiastic about the project, but he said funding is very competitive, there are others competing for the same dollars and they have not yet committed to them that they will fund the project but to date. They will be looking at the number

of units restricted at extremely low income and low income levels and if they drop the number of units, this will impact their operating pro forma and will impact their ability to meet that very low income threshold.

ANDREA PAPPANASTASSIOU, Project Development Director, Eden Housing, said Eden Housing takes pride in ensuring all of its properties are run at very high levels, are maintained and have staff on site working on the property. They want to ensure they are able to provide all levels of service so the project is an asset to the community and to the neighborhood. On the construction side there are a number of fixed costs, legal fees, architectural design, and other issues that do not change as much. The cost savings are only about 10% difference and they end up with a much larger gap. She said 48 units of senior housing at 650 square feet per unit works out to a residential square footage of slightly over 31,000 square feet. They typically see occupancy loads of about 1.1 to 1.2 people per unit living in senior housing, as most seniors are single. It is typically about 2.1 people per unit for a family development and they are finding that a larger senior complex would have less impact than a family complex at the density levels of the current General Plan with or without the additional density bonus allowed for affordable development.

Mayor Anderson confirmed that anything below 45 units would not work, the project would work better with 48 units, their application was submitted to the County with 48 units and they will not have a problem if it is reduced to 45 units.

RICK WILLIAMS, Eden Housing, said they liked the Conti site because it was a corner site with the ability to face onto two different streets. However, the Lemos site has a lot of similar features; it is oddly shaped, it has more property in the back and there is an easement that runs across the top of the property and down, which connects to Mt. Diablo Boulevard. They are looking to orient the project so that the easement can be used to access the Lemos property and have a good orientation to the street. There is currently a light industrial auto repair/sales operation next to the property which they eventually anticipate would change out to possibly be retail or future housing and he presented some concepts of the Conti site to see them both together.

Mr. Williams discussed the potential of facilitating traffic collection in different areas, sharing of vehicle access, crosswalk advantages, on-street parking in front for visitors, local restaurants, services, a walking trail and gazebo across the street, access to parking areas, and concepts of breaking up of the building mass along the street.

He presented the 45-48 unit scheme, its open space, tentative design concepts and said all schemes had 30 parking spaces and any more would raise the height of the building. They buried the parking in the back of the site in the part that would be sub-grade, taking advantage of lowering the building heights, and there is some visitor parking along the street which is not counted.

The second scheme was presented which does not step back at the very front of the complex, which lost 3 units and this was the difference between 45 and 48 units. He presented the concept of 2 stories on the street, noting it was within the 35 foot height limit and at .8 acres, 48 units is 60 dwelling units per acre identified in the General Plan.

The third scheme buries the parking in the rear with three stories of units over parking. The project would appear to be 3 stories and 35 feet from one area, but would appear to be 4 stories from another area. He said he did not receive positive feedback on this concept.

Regarding open space for the residents, one of the two courtyards would be on grade and the other would be up on top of a podium, one would have more hardscape and landscape / softscape, both would get good sunlight, both would be different in character and both would be secure and safe. He believed that due to its configuration, the Conti site was not statistically any bigger but it was a numbers game of being able to use the street as part of the density calculation and noted it would cost $1.5 million to develop a parking structure versus having surface parking.

Public Comments:

TONY LUCASHEFSKY, owner of the adjacent parcel, the Forge, said his main concern is the height of the development, but otherwise, he had no objection to the development.

RUTH MCCAHAN, questioned whether there was an issue with the Mt. Diablo Boulevard easement and Mr. Williams said both easements are integral to the project and it is necessary to have the primary access for the property through an easement across EBMUD property. It is currently being used by the Post Office as an access easement and he did not envision it to be a problem. A survey will first be needed and unofficially the area has been prescriptively used by the Lemos and their tenants.

DICK HOLT questioned if there was any issue with the rear easement, and Mr. Williams said this one is very clear; it is property owned by the USPS and they have a grant of easement. They hope to utilize this primarily for trash collection and not as a primary access to the development.

SUSAN HAHN said she had voiced concerns in the past regarding seniors living in the units on the west side of the property next to the Conti site and what they might look out on, which has not yet been identified.

BOB CLEAVER said he appreciates the work of Eden Housing, agreed that the third concept might be an issue, thought option 1 with the lower two storey front made a nice presentation with the street and much better scale relative to the street. He asked that the gabled ends be hipped as there would be less impact from the height of the building standpoint. He felt going east to west the stair tower is at a prominent location, and he was not sure if this was the best location for that but believed the massing, all podium parking and courtyard issues worked well.

MARK MITCHELL referred to the .8 acre lot size and confirmed the acreage figure did not include one of the easement areas in the back, but did include the other easement area.

JEANNE ATELIJVICH said she agrees with comments, was not bothered by the density at 45 and thought 48 units would work with the project stepping back. Dick Holt agreed he was amenable to 48 units if the project could work and liked the step-back feature and design to the east.

PATRICIA CURTIN-TINLEY said she did not have an objection at all to 48 units but assumed the project would not be able to move forward if the EMBUD easement could not be perfected. Mr. Williams said he was not sure it would kill the project but they would be deeply troubled. He said he has not spoken to EBMUD about the site, felt they would be cooperative as they are currently allowing the post office to use it and because they have been very approachable on other parcels in Lafayette.

TOM CHASTAIN agreed that the process has been very long and thorough, believed the City is in a fantastic position with the site, thinks the design is a test but did not want to look too hard in terms of its demonstration or architectural features because no time has been spent on it. He believed the organization of the site is positive, the two eastern facing courtyards are great which automatically provide a diversity of qualities, activities and focuses on the social aspect of seniors. He was not as concerned about height and density, believed the two-story stepping was great and supported Eden achieving the 48 units while maintaining the step at the front.

MARK MITCHELL thanked Eden for all their hard work and diverse processing that went into the project but was disappointed they ended up with a smaller site. He did not think the density is insignificant as he believed it was, stating it doubles the allowable density from a stricter perspective, but there are many things he likes about the project. He was originally concerned about the parking ratios but noted the Chateau Lafayette compares at a .4 ratio. He was also sympathetic to the concerns of the owner of The Forge's property and the impact the project may present on surrounding properties. But, overall, he was cautiously optimistic and agrees that going from two stories and stepping up in the back was of vital importance.

Councilmember Andersson said he likes the stepping back of the project, confirmed with Mr. Williams that the access from the current parking lot is from the northern part of the easement, there are two different setbacks on the west side which would be maximized once the survey is done, and Mr. Williams reiterated that whatever is built on the Conti property will be more than one story, as well as the adjacent property and there would be a setback area between both buildings.

Vice Mayor Tatzin said he likes the stepping back from Mt. Diablo Boulevard, felt attention should be paid on the west and east sides of the property and comparable heights of what would be built in the future and requested Eden ensure that the corner is attractive. He questioned exterior materials and Mr. Williams said they have not addressed materials at all, but he felt critical would be the roof material and other materials would include plaster with detailing and inset windows, all of which would be reviewed in detail through the design review process.

Councilmember Federighi felt it was critical for Eden Housing to discuss the easement with EBMUD, voiced caution with the incompatibility of the 48 units and setback requirements, believed the design everyone originally preferred was 43-45 units or scheme 1 and questioned whether or not 48 units was overly optimistic. She felt it was important for the scale to have the setback, and was supportive of moving forward.

Mayor Anderson summarized comments as being concerns by the owner of The Forge about the height of the east side of the project, view concerns to the west in terms of those living in the units, the stair tower at the corner to be softened with changes in roofing, the massing works well, the preference for option 1 with the two-story front stepping up to the back, support for the 48 units, some concerns about density, with some good design the owner to the east can be appeased, this is a test and not a design, and the setback to the west should be considered as to how it will play on future development.

TONY LUCASHEFSKY, owner of the Forge, reiterated the fact that he welcomes the project and simply asks to keep the height as low a profile as possible.

ANDRES PAPPANASTASSIOU, Eden Housing, said they will be back before the Council in mid-March at which point they will have more information.

WOODY KRAP, Eden Housing, confirmed with the City Council that the 90-day date is sometime in April, the County Finance Committee meeting date is March 20, 2008, and he will need to have the information to staff to write the report to the Board of Supervisors, which pushes them to a timeline in the first or second week of March. He believed the group provided him with comfort tonight that the density will not be prohibitive and that it is within the City's parameters to grant the density and said he is comfortable making that statement to the County.

Ms. Srivatsa said in order to proceed, Eden Housing requests a letter or resolution be provided from the Council which staff will bring forward in March that states that the project has been preliminarily reviewed, density does not appear to be an issue and it will be subject to CEQA and the filing of a formal application.

6. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the meeting at 6:55 p.m. to the regular City Council meeting. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk

City of Lafayette
Public Meeting Agenda
City Council Regular Meeting
Redevelopment Agency Special Meeting

MINUTES

Lafayette Community Center - Manzanita Room **February 25, 2008**
500 St. Mary's Road, Lafayette, California **7:00 p.m.**

1. CALL TO ORDER

Mayor Anderson called the meeting to order at 7:04 p.m.

2. ROLL CALL

Present: Mayor Anderson, Vice Mayor Tatzin, Councilmembers Andersson and Federighi

Absent: Councilmember Anduri

Staff: Steven Falk, City Manager; Tracy Robinson, Administrative Services Director; Ann Merideth, Community Development Director; Planning and Building Services Manager Niroop Srivatsa; Mala Subramanian, City Attorney; Christine Sinnette, Senior Planner; Community Services Officer Cathy Surges-Moscato; Joanne Robbins, City Clerk.

3. PLEDGE OF ALLEGIANCE – led by Mayor Anderson.

4. ADOPTION OF AGENDA

ACTION: It was M/S/C (Tatzin/Andersson) to adopt the agenda, as amended, to continue Item 7B to March 24, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson; Noes: None; Absent: Anduri).

5. REPORT FROM CLOSED SESSION – (Scheduled on agenda to be held after regular meeting)

6. PUBLIC COMMENTS

ANN BURNS referred to a Moraga project on Bollinger Canyon Road and questioned if the City was reviewing the impact the project would bring onto the City's roads.

Mayor Anderson said the City reviews Moraga's projects and will ensure the City protects its interests in Lafayette.

7. PRESENTATIONS

A. Recognizing Wilma Holgerson, Youth Commission Advisor
Recommendation: Receive and file.

Mayor Anderson recognized Ms. Holgerson who has been an Adult Advisor and has been actively involved in the Youth Commission. He discussed her extensive work efforts to ensure that each Commissioner had something to take from their experiences, acknowledged her organization of a retreat in May, the Haunted House and other activities and said she will be missed.

KRISTEN STABLER, Chair, Youth Commission, said Ms. Holgerson became an Adult Advisor five years ago and was the catalyst for moving forward Youth Advisors' projects. She served as a mentor, advisor and friend, spoke of her many accomplishments and said she will be sorely missed.

WILMA HOLGERSON discussed her work as interesting and fun, said working with such enthusiastic Youth Advisors had truly impacted her life and she thanked the Council and Commissioners.

City Councilmembers recognized Ms. Holgerson for her work with the Youth Advisors, for her service as Council liaison, for her mentorship and forward-thinking over the last five years and they wished her well.

B. Paul Branson, Contra Costa County Transportation Manager and Earle Ormiston, Chair of the County Advisory Council on Aging's Transportation Group presenting the city an Award of Excellence in Senior Transportation.
Recommendation: Receive and file.

Mayor Anderson announced the item had been continued to March 24, 2008.

C. Ruth Rosenberg, Vice-Chair Contra Costa Leadership Council, and Briana Taylor requesting a proclamation declaring March as Red Cross Month.
Recommendation: Approve proclamation and present.

ACTION: It was M/S/C (Tatzin/Federighi) to proclaim March as Red Cross Month. Vote: 4-0-1 (Ayes: Anderson, Tatziin, Andersson, Federighi; Noes: None; Absent: Anduri).

Mayor Anderson presented the proclamation to Ruth Rosenberg and Briana Taylor of the Contra Costa Leadership Council.

RUTH ROSENBERG thanked the Council for recognizing the Red Cross, said she and Briana Taylor have worked with the community and staff of Lafayette and she looks forward to continuing their wonderful relationship with the City and with the Emergency Preparedness Commission.

ACTION: It was M/S/C (Tatzin/Andersson) to hear Item 12B out of order. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

City Manager Falk said Ms. Rosenberg and Ms. Taylor became involved with the Red Cross approximately three years ago and he recognized them for their dynamic work.

12B. Fred H.G. Lothrop, Chairperson, Emergency Preparedness Commission Statement of Understanding Between the American Red Cross Bay Area and the City of Lafayette.
Recommendation: Approve the Statement of Understanding and authorize the Mayor to execute.

ACTION: It was M/S/C (Tatzin/Andersson) to approve the Statement of Understanding and authorized the Mayor to execute. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

8. OLD BUSINESS

A. Mary Bruns, Program Coordinator, Lamorinda Senior Transportation Update on the Lamorinda Spirit Van Program
Recommendation: Review, comment and continue to the 2008-2009 budget process.

MARY BRUNS, Program Coordinator, Lamorinda Senior Transportation, gave an update on the Lamorinda Spirit Van Program, stating they expect to receive a second and possibly a third van from the Central Contra Costa Transit Authority in the Fall and if enough funds are raised they would like to hire a part or full-time driver, which would need to be included in the 2008-2009 budget.

Vice Mayor Tatzin said he is pleased with the success of the program and particularly with the commitment from the Moraga Junior Women's Club which he confirmed would provide $10,000 to $15,000. He asked if the City of Orinda had been approached last year for funding and Ms Bruns said they had been approached and she had formally learned they could not support anything until their roads are addressed.

Vice Mayor Tatzin requested information on breaking out rides by jurisdiction of residents. Ms. Bruns said in 2006-07 Lafayette had 53% of the rides; Moraga 34% and Orinda 13%. In 2007-08, because of people passing away and moving away, the percentages had changed; Lafayette was now at 70%; Moraga at 20% and Orinda at 10%. They have approached Moraga two or three times as to whether they could fund them with the Palos Colorados monies which they are not completely closed to, but they may have to submit a grant. Moraga funded them $5,000 for 2007-08 and she is hopeful they will be able to apply for a grant and get additional funding from Moraga.

Vice Mayor Tatzin said it looks as though the program will have about 2,400 riders this year with a budget of $100,000. Ms. Bruns said their budget this year is about $83,000. If they get the second van, they will need some additional support and more if they can fund a driver. She said it was important to secure a second van, as there is a need to support medical appointment rides which they cannot handle with one van.

Vice Mayor Tatzin confirmed with Ms. Bruns that they were within budget as far as maintenance and fuel costs and he asked that for budgeting purposes, Ms. Bruns prepare the cost per ride with what the County fare transit operators spend.

Mayor Anderson questioned and confirmed with Ms. Bruns that the FY 2007-08 budget did not reflect the addition to the fleet. She said they will have to increase the dispatcher hours from 3 hours to 10-12 hours per week which is not significant, but the impact will

be hiring a part-time driver. She confirmed they were still utilizing van storage behind the fire station at Mt. Diablo Boulevard and she will request using a second space. They have room at the Community Center; however, there is a concern about vandalism.

Vice Mayor Tatzin questioned how close to capacity was the program with their current single van. Ms. Bruns said they were at a 50% capacity and could take more riders but could not address taking people to two places at the same time or to medical appointments. She said she was hopeful the City could continue to provide financial support of the program and she thanked the City Council.

B. Niroop Srivatsa, Planning and Building Services Manager

1. Resolution 2007-047 adopting guidelines for conducting joint City Council, Planning Commission, and Design Review Commission pre-application meetings

Recommendation: Adopt Resolution 2007-047.

Planning and Building Services Manager Srivatsa said the Council last heard the matter in late January and suggested changes to the draft guidelines which have been incorporated, as well as the resolution adopting the guidelines.

Councilmember Andersson referred to the Exhibit for Item II and due to its ambiguity, suggested removing wording from the section and adding the wording under Item II.4., which would state; "Any proposed development of the City Council may be scheduled for a joint meeting."

Vice Mayor Tatzin suggested making Item III as Item II and then indicate, Item III as: "The Council is likely to approve meeting in the three categories under Item II and any other project the Council deems consideration should be given." He believed the Mayor and the City Council may schedule when the meeting will occur, but they will not decide whether it will occur.

Ms. Srivatsa said what staff was trying to do was identify the Council's authority to schedule a joint meeting anywhere in the City and not just within the Redevelopment project area. Mayor Anderson said his concern in the last review was that the Council did not want to have these types of meetings on single-family residential areas and he suggested this be identified in the wording.

Ms. Srivatsa noted that anything not in a single-family zoning district lies within the redevelopment project area and includes commercial and multi-family zoning districts, with the exception of the land at the intersection of Deer Hill Road and Pleasant Hill Road zoned multi-family but is outside the project area. Rather than singling that out, staff simply used the catch-all phrase.

Vice Mayor Tatzin suggested re-titling Exhibit A to read, "Guidelines for Scheduling and Conducting Joint City Council/Planning Commission/Design Review Commission meetings for applications within the Redevelopment Area".

Public Comments:

GUY ATWOOD said he hoped for the revised wording to be less confusing, said he was not sure how to handle the one exception other than to state what it is; that if staff is

concerned about the area around Pleasant Hill Road/Deer Hill Road it should be identified now. On the other hand he could argue the Council could do anything, but these are guidelines and for future Councils, as well. In addition, he asked for amendment to Item VII.1.; "and adjacent property owners and public" should be added after "from each board...."

Vice Mayor Tatzin suggested re-titling the Exhibit to refer to the redevelopment area and other areas known for multi-family housing which he felt would make it clear it is not for single family areas.

Councilmember Federighi said she felt it makes sense to make Item III as Item II and to add Mr. Atwood's comments.

ACTION: It was M/S/C (Tatzin/Andersson) to continue the item to the next meeting to be agendized on the Consent Calendar. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

2. **Town Center Phase III: Proposed changes to the Settlement Agreement between the City of Lafayette and Lafayette Residential Partners**
   Recommendation: Approve amendments to the Settlement Agreement

Planning and Building Services Manager Srivatsa said the Council Subcommittee of Mayor Anderson and Councilmember Federighi and staff have successfully completed negotiations on an amendment to the Settlement Agreement for Town Center Phase III. The amendments are included in the staff report and require that the development agreement be amended, which will go to the Planning Commission prior to being reviewed by the City Council for approval. The changes have also been reviewed and supported by Lafayette Residential Partners.

Vice Mayor Tatzin congratulated all participants, said he was curious as to why revisions speak to a condominium project as opposed to a housing project regardless of whether it is a for rent or for sale. Ms. Srivatsa said the original settlement agreement calls for a residential condominium project and it remains unchanged in the amended agreement.

Vice Mayor Tatzin said if the affordable housing units are off-site, he asked and confirmed they would be counted as new units toward the City's standards. To the extent existing units in Town Center I are counted, he questioned if this does anything regarding the length of time for which they must be maintained as affordable units. City Attorney Subramanian said it does not change the original length of time the existing units would be maintained as affordable.

DAVID BOWIE, Attorney, said they have been talking about condominium project the entire time because it was the context in which the proposal arose, they feel it is appropriate to change it to reflect a housing project and are happy they were able to work with the subcommittee and staff productively and hoped to move onto the next stage.

ACTION: It was M/S/C (Andersson/Federighi) to approve amendments to the Settlement Agreement, with the modification of the wording to reflect "housing" as opposed to "residential condominiums". Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

C. Steven Falk, City Manager
Revised Workplan for FY 2008 – 2009
Recommendation: Review and approve the final workplan for FY 2008 – 2009.

City Manager Falk said in early February the Council specifically articulates goals they want staff to pursue in the upcoming year which was done at the last meeting and items identified are brought back for the Council's subsequent approval. He noted there was discussion about calling out the Council's interest in acquiring off-street parking as a separate goal. He and the Community Development Director discussed it and believed it is comprehensively included in the Downtown Strategic Plan and expects they will generate sites that are appropriate for downtown parking. Therefore, they categorized them together and suggested the Council discuss this further.

Public Comments:

GUY ATWOOD said he would vote to make parking separate, thinks one of the major mistakes made as a community was doing away with the Parking Commission, said the Board of the Lafayette Homeowners Council was very supportive of the Council trying to do something for parking in the downtown in the form of a parking structure on many occasions and supported it being a separate goal.

Councilmember Federighi said it has been a goal of the Council since 2001 to actively pursue off-street parking for the downtown and although she did not have a strong feeling as to whether it should be included in bullet 3, her preference would be that it be stated separately.

City Manager Falk suggested the amendment be proposed in the form of a minute order. Councilmember Federighi asked that the item read, "That the City actively pursue the acquisition and development of off-street parking for the downtown."

Community Development Director Merideth said the reason the item was dropped was that when the Council decided to prepare the Downtown Strategy, there was discussion about folding it into that goal, which the Council did.

City Manager Falk noted the Council will have other programs that emanate from the Downtown Strategy and said Ms. Merideth's point is that parking is a goal that accumulates as part of that plan and the question if whether it is called out or rolled into one program. Councilmember Federighi still believed it would lose its emphasis if not repeated.

ACTION: It was M/S/C (Tatzin/Andersson) to approve the FY 2008-2009 workplan with the request that the City Manager add in a bullet point to state, "That the City actively pursue the acquisition and development of off-street parking for the downtown." Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

D. Tracy Robinson, Administrative Services Director
Draft Mission Statement for the Lafayette Finance Committee
Recommendation: Approve the mission statement and direct staff to begin recruitment for the Lafayette Finance Committee.

Administrative Services Director Robinson said at the February 11th Council meeting the Council directed staff to formulate a Finance Committee and a draft mission statement is before the Council for review. She confirmed with the Council requested wording to include: the Committee be formed comprising of no more than 5 local volunteer members with a strong background in business and finance, that the Committee will evaluate the effectiveness of current expenditure and revenue activities, recommend financial changes that may improve performance and reduce risk and offer impartial analysis to the City's financial situation and that the Committee will sunset no later than December of 2008.

City Manager Falk noted the last Finance Committee ran for 9 months and should take no longer than one year if focused and motivated.

Mayor Anderson confirmed there was no public comment.

ACTION: It was M/S/C (Tatzin/Federighi) to approve the mission statement and direct staff to begin recruitment for the Lafayette Finance Committee. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi: Noes: None; Absent: Anduri).

9. STAFF REPORTS

City Attorney Subramanian noted it was not 8:30 p.m. and suggested the Council address other matters.

10. CONSENT CALENDAR

ACTION: It was M/S/C (Tatzin/Andersson) to jointly convene as the Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

Councilmember Andersson requested removal of Item 10D.

ACTION: It was M/S/C (Tatzin/Federighi) to approve Consent Calendar Items A, B, C, E and F. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

A. February 11, 2008 City Council Minutes
Recommendation: Approve.

B. Code Enforcement Activity Report
Recommendation: Receive and file.

C. Consideration of potential sites for off-street public parking and/or redevelopment
Recommendation: Authorize staff to study the potential sites and begin discussions with property owners regarding the possibility of a potential purchase of the property and related price and terms.

Convene Redevelopment Agency

E. Update on Downtown Strategy project

Recommendation: Receive and file.

E. Update on Lafayette Library and Learning Center project
Recommendation: Receive and file.

Item Removed for Discussion:

D. Resolution R2008-01 directing staff to submit a Station Area Planning Program Grant Application
Recommendation: Adopt Resolution R2008-01 directing staff to submit a Station Area Planning Program Grant.

Agencymember Andersson questioned if $40,000 would be new money above what was already dedicated to the project. Community Development Director Merideth said the Agency did not include environmental review in the original budget and said it would be new money.

Agencymember Andersson said there was a description of either Town Transit Center or Mixed Use Corridor and he questioned which would be more likely. Ms. Merideth said the item would meet both of the definitions and she was not sure which staff would apply for it under, but thought it would be applied under both. She said this is a planning document and not an environmental review document, so there are no planning implications to it.

ACTION: It was M/S/C (Tatzin/Andersson) to adopt Resolution R2008-01 directing staff to submit a Station Area Planning Program Grant. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

Adjourn Redevelopment Agency

ACTION: It was M/S/C (Tatzin/Federighi) to adjourn the Redevelopment Agency. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

12. COUNCIL/COMMISSION REPORTS

A. Councilmember report on activities and consideration of matters a councilmember wishes to initiate for placement on a future agenda.

Councilmember Andersson referred to the Fire Ordinance and said he talked to Tanya Hooper, Assistant State Fire Marshall, and would soon be presenting a report to the Council.

13. WRITTEN COMMUNICATIONS

A. Letter dated January 28, 2008, from Don Anderson requesting permission to use Lafayette Plaza for the Rotary Annual Community Egg Scramble on Saturday, March 22nd from 9am to 12pm.
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Tatzin/Federighi) to approve the request for permission to use Lafayette Plaza for the Rotary Annual Community Egg Scramble on Saturday, March 22nd from 9am to 12pm. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

Mayor Anderson suggested the Council convene to Closed Session, and City Attorney Subramanian confirmed the Council could not adjourn to Closed Session due to the item being scheduled for 10:00 p.m., but the Council could choose to cancel the Closed Session.

Conference with Legal Counsel – Existing Litigation
Government Code section 54956.9 (a)
Security Owners Corp. vs. Richard F. Holmes; Richard F. Holmes vs. City of Lafayette Case No. C-07-00251
Recommendation: Discuss and direct staff.

Conference with Real Property Negotiators
(Gov. Code section 54956.8) Property APN's 243-030-11, 14, 15, 39
Located on the north side of Mt. Diablo Blvd. between Oak Hill Road and South
Agency Negotiators: Steven Falk, City Manager
Negotiation Parties: Under Negotiation: Price and Terms of Payment
Recommendation: Discuss and direct staff.

ACTION: It was M/S/C (Tatzin/Andersson) to cancel the Closed Session. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

BREAK
Mayor Anderson called for a 10-minute break at 8:20 p.m. and thereafter reconvened the regular meeting at 8:30 p.m.

10. PUBLIC HEARINGS

A. **Niroop Srivatsa, Planning and Building Services Manager**
GP01-06/RZ01-06CC: KO Architects (applicant), The Woodbury, LLC (owner), P1 Zoning: Request for approval to amend the planned unit development t (1) reduce the project unit count from the approved eighty (80) units to a project of not less than sixty (60) units and (2) make minor changes to the building elevations. The site plan, building footprints and envelopes and landscaping plans will remain unchanged. Project Location: 3758 Mt. Diablo Blvd., APNs 241-010-024, 033, 034, 040.
Recommendation: Continue without consideration to March 10, 2007.

ACTION: It was M/S/C (Tatzin/Federighi) to continue without consideration to March 10, 2007. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

B. **Cathy Surges-Moscato, Community Services Officer**
Introduce Ordinance 572 and take public testimony amending Lafayette Municipal Code Section 8-3 to reflect the current practice of commission members electing chair and co-chair for the Emergency Preparedness Commission and decreasing the number of voting members.
Recommendation: Introduce Ordinance, take public testimony and continue to March 10, 2008 for second reading and adoption.

Community Services Officer Surges-Moscato said the Section 8-3.04 and 8-3.05 required amendment; Section 8-3.04 would be amended to reduce 7 voting members to

5 voting members and Section 8-3.05 would address appointment of the Chair and Vice Chair. Currently, the Code states the Mayor or Councilmember will appoint the Chair for the Commission which is the only remaining Commission with such requirements. The amendment would be for the Commission to appoint the Chair and Vice Chair.

Councilmember Andersson referred to membership and said "Standby officers of the City Council are non-voting ex-officio members of the Commission" and suggested the Chair make Councilmembers aware of this provision. Officer Surges-Moscato agreed to send ex-officio members a letter annually to notify them.

The public hearing was opened. There were no public comments and the hearing was closed.

City Manager Falk thanked Community Services Officer Surges-Moscato, said she has worked for four Police Chiefs and has made a significant impact to the Department and the Council and staff thanked her for her service.

ACTION: It was M/S/C (Tatzin/Andersson) to introduce the Ordinance and continue to March 10, 2008 for second reading and adoption. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

C. Christine Sinnette, Senior Planner

1. **Ordinance 570 to adopt Ordinance No. 2007-54 of the County of Contra Costa adopting the (1) 2007 California Building Code, (2) 2007 California Electrical Code, (3) 2007 California Plumbing Code, and (4) 2007 California Mechanical Code, with changes, additions and deletions.** Recommendation: Conduct public hearing and adopt Ordinance 570.

Senior Planner Christine Sinnette said Ordinance 570 is the direct adoption of the 2007 Statewide Building, Electrical, Plumbing and Mechanical Codes and the adoption of local amendments, deletions and additions to the State Codes based on local climatic, topographical and geological conditions. They are also primarily a re-adoption of amendments that have been adopted by the County and subsequently by the City in the past. The ordinance also provides an update to reflect the City's 50% surcharge on building and grading permits issued by the County.

She referred to a proposed minor addition under Section 10 relating to violations and said currently it identifies the charge for fines for people violating the building code and municipal code. She requested adding on page 19 of 20 under Item 3-308, end of both paragraphs b and c; "Hereafter, fines may be revised as allowed by State law."

Ms. Sinnette also requested the Council adopt the findings in support of the changes, additions and deletions in the Statewide Building Standards Code, and find the ordinance is exempt from CEQA.

The public hearing was opened. There were no public comments, and the public hearing was closed.

ACTION: It was M/S/C (Tatzin/Andersson) to adopt Ordinance 570 to adopt Ordinance No. 2007-54 of the County of Contra Costa adopting the (1) 2007 California Building Code, (2) 2007 California Electrical Code, (3) 2007 California Plumbing Code, and (4)

2007 California Mechanical Code, with changes, additions and deletions, as amended by adding on page 19 of 20 under Item 3-308, end of paragraph b and paragraph c, "Hereafter, fines may be revised as allowed by State law;" and that the Council adopt the findings in support of the changes, additions and deletions in the Statewide Building Standards Code and that the ordinance is exempt from CEQA. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi, Noes: None; Absent: Anduri).

2. **Ordinance 564 amending Chapter 3-9, Gas Shut-Off Devices**
   Recommendation: Withdraw Ordinance 564 without consideration.

Councilmember Federighi confirmed the Realtors Association has been made aware of the item.

ACTION: It was M/S/C (Tatzin/Andersson) to withdraw Ordinance 564 without consideration. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

14. ADJOURNMENT

ACTION: It was M/S/C (Tatzin/Andersson) to adjourn the meeting at 8:40 p.m. to the next regular meeting on March 10, 2008. Vote: 4-0-1 (Ayes: Anderson, Tatzin, Andersson, Federighi; Noes: None; Absent: Anduri).

APPROVED:

_____
Mike Anderson, Mayor

ATTEST:

_____
Joanne Robbins, City Clerk